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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Fiji and Papua New Guinea: draft resolution

Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2012 relating to New Caledonia,[1]

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Taking note of the report of the Special Rapporteur on the rights of indigenous peoples on the situation of Kanak people in New Caledonia, submitted to the Human

[1] To be issued as *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 23* (A/67/23), chap. VIII.

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Rights Council at its eighteenth session, held from 12 to 30 September and on 21 October 2011,[2] following his visit to the Territory in February of the same year,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

Recalling, in this regard, the conclusions of the eighteenth Melanesian Spearhead Group Leaders Summit, held in Suva on 31 March 2011, including the recommendations for the annual monitoring and assessment of the Nouméa Accord,

Welcoming the conclusion of the letter of exchange between the Department of Political Affairs of the Secretariat of the United Nations and the secretariat of the Melanesian Spearhead Group on the sharing of information on New Caledonia,

1. *Invites* all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all sectors of the population, according to the letter and the spirit of the Nouméa Accord, which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

2. *Welcomes* the significant developments that have taken place in New Caledonia since the signing of the Nouméa Accord on 5 May 1998 by the representatives of New Caledonia and the Government of France;[3]

3. *Urges* all the parties involved, in the interest of all the people of New Caledonia, to maintain, in the framework of the Nouméa Accord, their dialogue in a spirit of harmony, and in this context welcomes the unanimous agreement, reached in Paris on 8 December 2008, on the transfer of powers to New Caledonia in 2009;

4. *Notes* that during the July 2011 meeting of the follow-up committee overseeing the progress of the Nouméa Accord, held in the presence of the signatories, the members of Parliament and the Presidents of the Province and of the Customary Senate, the parties acknowledged the progress achieved in the transfer of competencies, particularly those related to civil and commercial law, civil status regulations and the civil security sector, which will take effect in 2013 and 2014;

5. *Also notes* that, consequent to the decision taken by the follow-up committee in 2010, the steering committee on the institutional future of New Caledonia has been established and mandated to prepare the basic issues to be decided by referendum, that is, the transfer of sovereign powers, access to full international status and the organization of citizenship into nationality;

6. *Welcomes*, in that regard, the five agreements signed in October 2011 between the French authorities and the Government of New Caledonia to organize the transfer of secondary education, with effect on 1 January 2012;

7. *Recalls* the relevant provisions of the Nouméa Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and notes that, according to the Nouméa Accord, the new anthem is used together with the French hymn and that the follow-up committee in 2010

[2] A/HRC/18/35/Add.6, annex.
[3] A/AC.109/2114, annex.

recommended that the French flag and the Kanak flag should fly together in New Caledonia;

8. *Acknowledges* those provisions of the Nouméa Accord relating to control of immigration and protection of local employment, and notes that unemployment remains high among Kanaks and that recruitment of foreign mine workers continues;

9. *Notes* the concerns expressed by a group of indigenous people in New Caledonia regarding their underrepresentation in the Territory's governmental and social structures;

10. *Also notes* the concerns expressed by representatives of indigenous people regarding incessant migratory flows and the impact of mining on the environment;

11. *Takes note* of the observations and recommendations contained in the report of the Special Rapporteur on the rights of indigenous peoples,[2] made in the light of relevant international standards, to assist with ongoing efforts to advance the rights of the Kanak people in the context of the implementation of the Nouméa Accord and the United Nations-supported decolonization process;

12. *Also takes note* of the relevant provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, such as international organizations in the Pacific region, the United Nations, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, according to their regulations;

13. *Notes* the agreement between the signatories to the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

14. *Recalls* the fact that the administering Power invited to New Caledonia, at the time the new institutions were established, a mission of information which comprised representatives of countries of the Pacific region;

15. *Notes* the continuing strengthening of ties between New Caledonia and both the European Union and the European Development Fund in such areas as economic and trade cooperation, the environment, climate change and financial services;

16. *Welcomes* the actions taken by the administering Power to continue to transmit to the Secretary-General information as required under Article 73 *e* of the Charter of the United Nations;

17. *Welcomes* all measures taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Nouméa Accords;

18. *Also welcomes* the importance attached by the parties to the Matignon and Nouméa Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

19. *Notes* the financial assistance rendered by the Government of France to the Territory in areas such as health, education, payment of public-service salaries and funding development schemes;

20. *Notes* the visit to New Caledonia from 14 to 18 November 2011 of the Melanesian Spearhead Group technical mission comprised of senior officials, in pursuance of the recommendations by the Melanesian Spearhead Group Leaders Summit of 31 March 2011 for the annual monitoring and assessment of the Nouméa Accord, and the upcoming second Melanesian Spearhead Group High-level/ Ministerial Mission, to be held from 2 to 9 July 2012;

21. *Welcomes* the continuous participation of the Kanaks through the Front de libération nationale kanak socialiste at all the Melanesian Spearhead Group Leaders Summit meetings since becoming a full member of the Melanesian Spearhead Group in 1989;

22. *Acknowledges* the contribution of the Jean-Marie Tjibaou Cultural Centre to the protection of the indigenous Kanak culture of New Caledonia;

23. *Notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, including the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

24. *Welcomes* the cooperation among Australia, France and New Zealand in terms of surveillance of fishing zones, in accordance with the wishes expressed by France during successive France-Oceania Summits;

25. *Acknowledges* the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the convention signed in January 2012 related to the hosting of New Caledonian delegates in the French diplomatic and consular missions in the Pacific, and the easing of short-stay visa procedures for countries of the South Pacific;

26. *Welcomes* the participation of New Caledonia at the forty-second Pacific Islands Forum Leaders' Meeting, held in Auckland, New Zealand, on 7 and 8 September 2011, as associate member, and notes the Territory's continued desire to accede to full membership in the Forum;

27. *Recalls* the continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the Pacific Islands Forum;

28. *Welcomes* the cooperative attitude of other States and Territories in the region towards New Caledonia, its economic and political aspirations and its increasing participation in regional and international affairs;

29. *Welcomes* the organization by New Caledonia of the 2011 Pacific Games from 27 August to 10 September 2011, in which twenty-two countries of the Pacific region took part, thereby fostering regional integration;

30. *Welcomes* the hosting of the fourth Melanesian Spearhead Group Melanesian Arts Festival from 12 to 24 September 2010 by the Front de libération nationale kanak socialiste, the Kanak communities and New Caledonia;

31. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

32. *Requests* the Special Committee to continue the examination of the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its sixty-eighth session.